

## **CHAPTER 54-09-02 WORKPLACE IMPAIRMENT PROGRAM**

### **Section**

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**54-09-02-01. Program management and administration.** The program is managed and administered by the program coordinator who shall:

1. Serve as a member of the program committee.
2. Review and manage the information provided by the nurse related to compliance with the program agreement.
3. Serve as a liaison between the program and treatment providers, employers, and program participants.
4. Provide information and education regarding the program.
5. Report progress of the program and statistical information to the board.

**History:** Effective September 1, 1996; amended effective June 1, 2002; April 1, 2004.

**General Authority:** NDCC 43-12.1-08

**Law Implemented:** NDCC 43-12.1-08(2)(g)

**54-09-02-02. Program.** When a person licensed to practice nursing seeks treatment for the diseases of chemical dependency, practice deficiencies, or psychiatric or physical disorders that may otherwise lead to formal disciplinary action, the board may abstain from taking formal disciplinary action if the licensee can be treated effectively for such diseases, deficiencies, or disorders and that there reasonably exists no danger to the public health or the board may order a nurse to participate in the program. The board shall:

1. Establish ways and means to identify nurses qualified to enter the program and monitor nurses participating in the program;
2. Establish alternatives to traditional disciplinary procedures of the board; and
3. Establish criteria for the acceptance, denial, and termination of nurses in the program. Only nurses qualified for the program and approved by the coordinator may participate in the program.

Nurses who are not being investigated or currently monitored by the board, but who believe the offerings of the program may aid them personally or professionally, may voluntarily participate in the program to lend support to their recovery process.

**History:** Effective September 1, 1996; amended effective June 1, 2002; April 1, 2004.

**General Authority:** NDCC 43-12.1-08

**Law Implemented:** NDCC 43-12.1-08(2)(g)

**54-09-02-03. Eligibility.**

1. Any nurse who self-refers requesting access to the program or is reported to the board for a violation of the Nurse Practices Act and whose nursing practice may be affected by addiction to or abuse of alcohol or other drugs, practice deficiencies, or psychiatric or physical disorders will be advised of the opportunity for participation in the monitoring program, under its terms and conditions, unless the board determines that it is in the best interest of the public that participation in the program not be offered.
2. A nurse offered participation in the program will be advised of the program procedures, requirements, and implications of noncompliance with the program. If admitted to participate in the program, the nurse must agree, in writing, to follow all requirements of the program.
3. The coordinator may grant participation in the program to a nurse after interviewing the nurse and determining that all requirements for admission to the program have been or will be duly met by the nurse seeking entrance into the program.
4. The nurse will enter the program after signing the program agreement.
5. The nurse will pay a thirty dollar per month fee to participate in the program unless for good cause the fee is waived or reduced by the board.

**History:** Effective September 1, 1996; amended effective February 1, 1998; June 1, 2002; April 1, 2004.

**General Authority:** NDCC 43-12.1-08

**Law Implemented:** NDCC 43-12.1-08(2)(g)

**54-09-02-04. Causes for termination from the program.** The coordinator may terminate a nurse's participation in the program for any of the following reasons:

1. Successful completion of the program.

2. Failure to comply with any aspect of the program. Such failure may result in termination of the nurse's participation in the program and referral to the board for disciplinary action.
3. Information is received, which after investigation by the coordinator, indicates the participant may have violated a provision of the law or rules governing the practice of nursing, in which case the nurse may be referred to the board for disciplinary action.

**History:** Effective September 1, 1996; amended effective June 1, 2002; April 1, 2004.

**General Authority:** NDCC 43-12.1-08

**Law Implemented:** NDCC 43-12.1-08(2)(g)

#### **54-09-02-05. Confidentiality.**

1. All program records and related information shall be confidential unless the nurse is ordered by the board to participate in the program.
2. All program records shall be maintained in a secure storage area.
3. By signing the program agreement, the program participant authorizes communication between the program coordinator and the employers, potential employers, the treatment professionals, appropriate health care professionals, identified sponsors, the drug testing company and its agents, and any other individuals involved in the facilitation and monitoring of the program.
4. After the coordinator has determined that a nurse has duly completed the program requirements, the coordinator shall purge and destroy such records pertaining to the nurse's participation in the program, as permitted by law and the board's records retention schedule.
5. Information or records received by the board prior to acceptance of the applicant into the program or which relate to a nurse terminated from the program under subsections 2 and 3 of section 54-09-02-04 may be utilized by the board in any disciplinary proceedings instituted against the participant.
6. Information may be shared with the administrator of a comparable program in another jurisdiction when necessary to monitor participation by the nurse under section 54-09-02-06.

**History:** Effective September 1, 1996; amended effective February 1, 1998; June 1, 2002; April 1, 2004.

**General Authority:** NDCC 43-12.1-08

**Law Implemented:** NDCC 43-12.1-08(2)(g)

**54-09-02-06. Other jurisdictions.**

1. Participation in an impaired nurse program in another jurisdiction may be accepted, in whole or part by the coordinator as participation in the program, providing that such comparable program meets the requirements of the board's program.
2. The coordinator may provide information to other jurisdictions when licensing information is requested.
3. By signing the program agreement, the program participant authorizes communication between the program coordinator and other impaired nurse programs to coordinate facilitation and monitoring of the program.

**History:** Effective September 1, 1996; amended effective June 1, 2002; April 1, 2004.

**General Authority:** NDCC 43-12.1-08

**Law Implemented:** NDCC 43-12.1-08(2)(g)